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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,795	06/15/2001	Yves Louis Gabriel Audebert	L741.01104	6672

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EXAMINER
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SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/880,795

**Applicant(s)**

AUDEBERT ET AL.

**Examiner**

Linh LD Son

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 40-71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/05, 7/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is written in responding to the Amendment received on 04/28/05.
2. Claims 1-39 have been cancelled.
3. Claims 40-71 has been added and pending.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40-58, 60-62, and 64-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Sigaud, US Patent No. 6657956.

6. As per claims 40, and 53-55, Sigaud discloses "A data processing system for performing authentications and business transactions comprising: at least one local client configured to support at least one network connection" in (Col 3 lines 35-45);

"at least one authentication server configured to perform authentications according to a predetermined authentication policy and further configured to support at least one network connection" in (Col 4 lines 45-60);

"an intelligent portable device configured to support a PSD, at least one device connection and at least one network connection" in (Col 3 lines 42-50); and

"a PSD which is functionally connected to said intelligent portable device and configured to generate authentication information according to said predetermined authentication policy, and which is associated to an identified user" in (Col 3 lines 42-50, and Col 5 lines 1-13), wherein:

"said at least one local client and said at least one authentication server are functionally connected to each other over at least one network connection, said predetermined authentication policy is functionally stored within said PSD and said at least one authentication server" in (Col 4 lines 45-60), and "said at least one local client comprises an activator of an authentication according to said authentication policy between said PSD and said at least one authentication server upon an action of said identified user on said at least one local client" in (Col 4 line 60 to Col 5 line 13).

7. As per claim 41, Sigaud discloses "The data processing system according to claim

40, wherein: said at least one local client is configured to support at least one device connection; and said intelligent portable device is functionally connected to said at least one local client through said at least one device connection of said at least one

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local client and further configured as a hardware device peripheral which allows the PSD to communicate said authentication information to said at least one authentication server using said at least one network connection of said at least one local client" in (Col 3 lines 35-50, and Col 5 lines 1-15).

8. As per claim 42, Sigaud discloses "The data processing system according to claim 41, wherein said device connection between said at least one local client and said intelligent portable device is selected from the group consisting of a direct connection, an optical connection, a wireless RP connection or an electro-acoustical connection" in (Col 3 lines 35-50, and Col 5 lines 1-15).

9. As per claim 43, Sigaud discloses "The data processing system according to claim 40, wherein said predetermined authentication policy includes asynchronous authentication means, synchronous authentication means and cryptography means" in (Col 3 lines 35-50, and Col 5 lines 1-15).

10. As per claim 44, Sigaud discloses "The data processing system according to claim 40, comprising at least two local clients respectively functionally connected to at least two authentication servers over at least one network connection, wherein each of said at least two local clients is configured to support at least one device connection, and wherein said intelligent portable device is functionally connected to each of said at least two local clients through said at least one device connection of each of said at

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least two local clients and further configured as a hardware device peripheral" in (Col 3 lines 35-50, and Col 5 lines 1-15).

11. As per claim 45, Sigaud discloses "The data processing system according to claim 40, wherein said intelligent portable device is functionally connected to said at least one authentication server through at least one network connection and configured as an independent portable device which allows the PSD to communicate said authentication information to said at least one authentication server using said at least one network connection" in (Col 3 lines 35-50, and Col 5 lines 1-15).

12. As per claim 46, Sigaud discloses "The data processing system according to claim 45, wherein said at least one network connection between said at least one authentication server and said intelligent portable device is selected from the group consisting of a wireless RF network and a digital cellular network" in (Col 3 lines 10-20 and Col 5 lines 1-15).

13. As per claim 47, Sigaud discloses "The data processing system according to claim 45, wherein said intelligent portable device is functionally connected to said at least one authentication server through at least two network connections over at least two networks, a first network connection being dedicated for sending a first portion of said authentication information and a second network connection being dedicated for sending a second portion of said authentication information" in (Col 3 lines 35-40, Col 4 lines 45-55, and Col 5 lines 1-20).

14. As per claim 48, Sigaud discloses "The data processing system according to claim 40, wherein a plurality of network and device connections are facilitated using said intelligent portable device" in (Col 3 lines 35-50, and Col 5 lines 1-15).

15. As per claim 49, Sigaud discloses "The data processing system according to claim 40, wherein said intelligent portable device is configured as a hardware device peripheral" in (Col 3 lines 35-50, and Col 5 lines 1-15).

16. As per claim 50, Sigaud discloses "The data processing system according to claim 40, wherein said intelligent portable device is configured as an independent intelligent portable device" in (Col 3 lines 35-50, and Col 5 lines 1-15).

17. As per claim 51, Sigaud discloses "The data processing system according to claim 40, wherein said predetermined authentication policy includes asynchronous authentication means and cryptography means" in (Col 3 lines 35-50, and Col 5 lines 1-15).

18. As per claim 52, Sigaud discloses "The data processing system according to claim 40, wherein said predetermined authentication policy includes synchronous authentication means and cryptography means" in (Col 3 lines 35-50, and Col 5 lines 1-15).

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19. As per claim 56, Sigaud discloses "The method according to claim 54, wherein said at least one unique identifier is used by said at least one authentication server for locating and communicating with another intelligent portable device associated with a second level approver" in (Col 1 lines 36-45).

20. As per claim 57, Sigaud discloses "The method according to claim 53, wherein a plurality of authentications are facilitated using said shared predetermined authentication policy" in (Col 4 lines 45-60).

21. As per claim 58, Sigaud discloses "The method according to claim 53, further comprising an authentication of said identified user to said PSD by entry of a Personal Identification Number" in (Col 4 lines 38-42).

22. As per claim 60, Sigaud discloses "The method according to claim 58 or 59, wherein said entry is conducted using a user interface and display associated with said intelligent portable device" in (Col 4 lines 40-48).

23. As per claim 61, Sigaud discloses "The method according to claim 58 or 59, wherein said entry is conducted using a user interface and display associated with said at least one local client" in (Col 4 lines 40-48).



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24. As per claim 62, Sigaud discloses "The method according to claim 58 or 59, wherein exceeding a maximum number of attempts at authentication ends the authentication" in (Col 5 lines 40-60).

25. As per claim 64, Sigaud discloses "The method according to claim 53, further comprising business transactions" in (Col 1 lines 46-60).

26. As per claim 65, Sigaud discloses "An intelligent portable data processing device for performing authentications and business transactions comprising a user interface, a display, data processing means, data storage means, at least one device connection and at least one network connection" in (Col 3 lines 55-65, and (Col 4 lines 40-45), further comprising:

"a PSD configured to generate authentication information according to a predetermined authentication policy which is shared-with at least one remote authentication server, wherein said PSD is associated to an identified user" in (Col 5 lines 1-15); and

"means for transferring to the PSD a request for authentication with said at least one authentication server, using said shared predetermined authentication policy, upon reception of said request, if said request contains an identifier of said identified user" in (Col 3 lines 35-50, and Col 5 lines 1-15)

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27. As per claim 66, Sigaud discloses "The intelligent portable data processing device according to claim 65, functionally connected to at least one local client using said at least one device connection" in (Col 3 lines 35-44).

28. As per claim 67, Sigaud discloses "The intelligent portable data processing device according to claim 65 or 66, functionally connected to at least one authentication server using said at least one network connection" in (Col 3 lines 35-44).

29. As per claim 68, Sigaud discloses "The intelligent portable data processing device according to claim 65, functionally connected to a plurality of local clients using said at least one device connection" in (Col 3 lines 30-35).

30. As per claim 69, Sigaud discloses "The intelligent portable data processing device according to claim 65 or 68, functionally connected to a plurality of authentication servers using said at least one network connection" in (Col 3 lines 43-50, and Col 4 lines 45-60).

31. As per claims 70-71, Sigaud discloses "The intelligent portable data processing device according to claim 65, wherein the PSD is a physical device" in (Col 3 lines 35-50).

***Claim Rejections - 35 USC § 103***

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. **Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sigaud.**

34. As per claim 63, Sigaud discloses the claimed subject matter, as discussed above. Sigaud teaches "wherein said shared predetermined authentication policy includes asynchronous authentication and cryptography". However, Sigaud does not explicitly teach the claimed "wherein exceeding a predetermined response time ends the authentication" in (Col 5 lines 1-15). Sigaud discloses of keeping track of the session information including time and date in (Col 5 lines 20-60), which can be used to limit the number of authentication attempts within a predetermined time. Therefore, it would have been obvious for one having ordinary skill in the art to modify the invention to keep track the number of attempts for hacker protection.

35. **Claims 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sigaud in view of Boyles et al, US Patent No. 6738901, hereinafter "Boyles".**

As per claim 59, Sigaud discloses the claimed subject matter, as discussed above, except the claimed authentication of said identified user to said PSD by entry of a biometric result. Boyles does disclose this limitation in (Col 7 lines 50-63). Therefore,

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it would have been obvious for one having ordinary skill in the art to incorporate Boyles with Sigaud to add an additional layer of authentication.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son  
Examiner  
Art Unit 2135

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